

United States Court of Appeals For the First Circuit

Nos. 13-2007; 14-1718

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

SANDRA F. ARTIS; DANA MARLENE BRADLEY; RONNIE A. BROWN; RONALD T. COURTNEY; TRUDY R. EPPERLY; BARBARA J. FILSON; ROBERT EARL HARRIS, JR.; JULIAN D. HOLBROOK; ROSE M. WHITE; CHESTER T. KALINOSKI; PAULINE R. MCFARLANE; ODESSA M. SHUCK; JAMES WIRT SMITH, JR.; RANDOLPH E. SMITH; RICHARD A. WHITLOW; PATRICIA S. BROWN, Executor of the Estate of Louis B. Spicer, Deceased; JOHN D. SPICER, Executor of the Estate of Louis B. Spicer, Deceased; JENAE S. PATSELL, Executor of the Estate of Louis B. Spicer, Deceased; Z.L.F., a minor, by his parents and next friends, Benjamin T. Foutz and Andrea L. Foutz; ROBERT DANA BENDER, Executor of the Estate of Ralph James Irace, Jr., Deceased

Plaintiffs - Appellants/Petitioners

SHARON G. WINGATE, Executor of the Estate of Douglas Gray Wingate, Deceased

Plaintiff

v.

NEW ENGLAND COMPOUNDING PHARMACY, INC., d/b/a New England Compounding Center; AMERIDOSE, LLC; MEDICAL SALES MANAGEMENT, INC.; BARRY J. CADDEN; GREG CONIGLIARO; LISA CONIGLIARO CADDEN; GDC PROPERTIES MANAGEMENT, LLC; ARL BIO PHARMA, INC.; DOUGLAS CONIGLIARO; CARLA CONIGLIARO; GLENN CHIN; SOUTH JERSEY HEALTHCARE; SOUTH JERSEY REGIONAL MEDICAL CENTER; ALAUNUS PHARMACEUTICAL, LLC; NITESH BHAGAT; PREMIER ORTHOPAEDIC AND SPORTS MEDICINE ASSOCIATES OF SOUTHERN NEW JERSEY, LLC, trading as Premier Orthopaedic Associates; PREMIER ORTHOPAEDIC ASSOCIATES SURGICAL CENTER, LLC; KIMBERLY YVETTE SMITH, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D.; OCEAN STATE PAIN MANAGEMENT, INC.; OFFICIAL COMMITTEE OF UNSECURED CREDITORS, in the Chapter 11 Case of New England Compounding; PAUL D. MOORE, Chapter 11 Trustee of the New England Compounding Pharmacy, Inc., d/b/a New England Compounding Center

Defendants - Appellees

CARILION SURGERY CENTER NEW VALLEY LLC, d/b/a New River Valley Surgery Center, LLC

Defendant

No. 14-1714

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

SANDRA F. ARTIS; DANA MARLENE BRADLEY; RONNIE A. BROWN; RONALD T. COURTNEY; TRUDY R. EPPERLY; BARBARA J. FILSON; Z.L.F., a minor, by his parents and next friends, Benjamin T. Foutz and Andrea L. Foutz; ROBERT EARL HARRIS, JR.; JULIAN D. HOLBROOK; ROBERT DANA BENDER, Executor of the Estate of Ralph James Irace, Jr., Deceased; CHESTER T. KALINOSKI; PAULINE R. MCFARLANE; ODESSA M. SHUCK; JAMES WIRT SMITH, JR.; RANDOLPH E. SMITH; PATRICIA S. BROWN, Executor of the Estate of Louis B. Spicer, Deceased; JOHN D. SPICER, Executor of the Estate of Louis B. Spicer, Deceased; JENAE S. PATSELL, Executor of the Estate of Louis B. Spicer, Deceased; ROSE M. WHITE; RICHARD A. WHITLOW

Plaintiffs - Appellants

v.

NEW ENGLAND COMPOUNDING PHARMACY, INC, d/b/a New England Compounding Center; AMERIDOSE, LLC; MEDICAL SALES MANAGEMENT, INC; BARRY J. CADDEN; GREG CONIGLIARO; LISA CONIGLIARO CADDEN; GDC PROPERTIES MANAGEMENT, LLC; ARL BIO PHARMA, INC; DOUGLAS CONIGLIARO; CARLA CONIGLIARO; GLENN CHIN; SOUTH JERSEY HEALTHCARE; SOUTH JERSEY REGIONAL MEDICAL CENTER; ALAUNUS PHARMACEUTICAL, LLC; NITESH BHAGAT; CARILION SURGERY CENTER NEW RIVER VALLEY, LLC, d/b/a New River Valley Surgery Center, LLC; PREMIER ORTHOPAEDIC AND SPORTS MEDICINE ASSOCIATES OF SOUTHERN NEW JERSEY, LLC, trading as Premier Orthopaedic Associates; PREMIER ORTHOPAEDIC ASSOCIATES SURGICAL CENTER, LLC; KIMBERLY YVETTE SMITH, a/k/a Kimberly Yvette Smith-Martin, MD; OCEAN STATE PAIN MANAGEMENT, INC.; PAUL D. MOORE, Chapter 11 Trustee of the New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center; SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, LLC; HOWELL ALLEN CLINIC, a Professional Corporation; MEDICAL SALES MANAGEMENT SW, INC.; JOHN CUCLASURE, MD; DEBRA SCHAMBERG, MD; INSIGHT IMAGING, INC.; SAINT THOMAS WEST HOSPITAL, f/k/a Saint Thomas Hospital; SAINT THOMAS NETWORK; SAINT THOMAS HEALTH; BKS PAIN SPECIALISTS; ADIL KATABAY; NIKESH BATRA; KENNETH R. LISTER, MD; MARION PAIN MANAGEMENT CENTER, INC.; UNIFIRST CORPORATION, d/b/a Uniclean Cleanroom Services; MINNESOTA SURGERY CENTER; MEDICAL ADVANCED PAIN SPECIALISTS, PA; DAVID M. SCHULTZ, MD; ASCENSION HEALTH; AMBULATORY CARE CENTER, LLC; ST. MARY'S MEDICAL

CENTER, d/b/a St. Mary's Surgicare; WILLIAM A. ANTE; SPECIALTY SURGERY CENTER, PLLC; VAUGHAN A. ALLEN, MD; SAINT THOMAS HOSPITAL WEST, f/k/a Saint Thomas Hospital; ADVANCED PAIN & ANESTHESIA CONSULTANTS PC, d/b/a APAC Centers for Pain Management; RANDOLPH Y. CHANG, MD; HIGH POINT REGIONAL HEALTH, f/k/a High Point Regional Health System, d/b/a High Point Regional Hospital; HIGH POINT SURGERY CENTER, a North Carolina General Partnership; KENNETH LISTER, MD, P.C.; IMAGE GUIDED PAIN MANAGEMENT, P.C.; CINCINNATI PAIN MANAGEMENT CONSULTANTS, INC.; CINCINNATI PAIN MANAGEMENT CONSULTANTS, LTD; GURURAU SUDARSHAN, MD; SUNRISE HOSPITAL & MEDICAL CENTER, LLC; WILSON CHU; HAHNEMANN UNIVERSITY HOSPITAL; TENET HEALTHSYSTEM HAHNEMANN, LLC; ABBESELOM GHERMAY; DALLAS BACK PAIN MANAGEMENT/MOMENTUM PAIN MANAGEMENT; NASARETH HOSPITAL; MERCY HEALTH SYSTEM OF S.E. PENNSYLVANIA; JOHN MATHIS, MD; ROBERT O'BRIEN, MD; WILLIAM A. ANDERSON, MD; THE ROTHMAN INSTITUTE; THE ROTHMAN INSTITUTE AT NAZARETH HOSPITAL; INSIGHT HEALTH CORPORATION

Defendants - Appellees

MANDATE

Entered: September 29, 2015

In accordance with the judgment of September 29, 2015, and pursuant to Federal Rule of Appellate Procedure 41(a), this constitutes the formal mandate of this Court.

By the Court:

/s/ Margaret Carter, Clerk

cc:
Service list